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(Continued on Signature Page)

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ROBERT M. (RANDY) ROACH, JR.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SCHRADER CELLARS, LLC,

Plaintiff,

v.

ROBERT M. (RANDY) ROACH, JR.

Defendant.

Case No. 3:21-cv-01431-SK

**JOINT PROPOSED STATEMENTS OF THE
CASE TO BE READ DURING VOIR DIRE**

PRELIMINARY STATEMENT

Pursuant to the Court's Case Management and Pretrial Order (Dkt. 53) Plaintiff Schrader Cellars, LLC ("Schrader Cellars") and Defendant Robert M. (Randy) Roach, Jr. ("Roach") hereby jointly submit their respective proposed statements of the case to be read to the jury during voir dire.

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A. Schrader Cellars' Proposed Statement

This case concerns a lawyer, Defendant Randy Roach, and his attempts to claim an ownership interest in his former client, Plaintiff Schrader Cellars, LLC, and its assets. Roach asserts his claim of ownership based on a handshake agreement with his former client, Fred Schrader. Meanwhile, Schrader Cellars claims that by seeking to enforce the alleged handshake agreement, Roach breached his fiduciary duties owed as an attorney by failing to abide by California's restrictions on business transactions between attorneys and their clients. This Court has already determined that the oral agreement Roach claims existed did not comport with California law and thus cannot be enforced.

The claims brought by Schrader Cellars to be decided by you are: (1) whether Randy Roach breached his fiduciary duty to Schrader Cellars in a manner that caused injury to Schrader Cellars by seeking to enforce the handshake agreement, and if so, the corresponding damage to Schrader Cellars, and (2) whether Randy Roach was unjustly enriched from that alleged breach of fiduciary duty and amount of that unjust enrichment.

B. Roach's Proposed Statement

This suit involves a claim by Plaintiff, Schrader Cellars, LLC against Defendant Robert M. (Randy) Roach, Jr. in which Schrader Cellars alleges Roach breached fiduciary duties to Schrader Cellars.

Schrader Cellars claims it has been damaged by Roach's breach of fiduciary duty and, also, that Roach has been unjustly enriched as a result of his breach of fiduciary duty. To prevail, Schrader Cellars has the burden to prove: (1) Roach owed a fiduciary duty to Schrader Cellars; Roach breached his fiduciary duty to Schrader Cellars; the breach proximately caused damage to Schrader Cellars; and, (2) Schrader Cellars also has the burden to prove any unjust enrichment by Roach.

Roach denies Schrader Cellars' claims and denies that Schrader Cellars has been damaged in any way. He further denies that he has been unjustly enriched. Roach also claims that Schrader Cellars' breach of fiduciary duty claim was not filed within the appropriate period of time and that Schrader Cellars would be unjustly enriched by a judgment in its favor.

1 Respectfully submitted,

2 Dated: February 9, 2023

3 By: /s/ Stacie O. Kinser
4 Stacie O. Kinser

5 *Attorneys for Plaintiff and Counter-Defendant*
6 *SCHRADER CELLARS, LLC*

Dated: February 9, 2023

By: /s/ Jessica R. MacGregor
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